

CPS-324

August 4, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 05-2038

IN RE: ALETA ESTELL TAYLOR

Present: ALITO, McKEE and AMBRO, Circuit Judges

Submitted are

- (1) Petitioner's motion to re-open; and
- (2) Petitioner's application under 28 U.S.C. § 2244 for leave to file a second or successive petition under 28 U.S.C. § 2254 in the above-captioned case.

Respectfully,

Clerk

MMW/EAW/zm/dmm

ORDER

Petitioner's motion to reopen is granted. Petitioner's application under 28 U.S.C. § 2244 for leave to file a second or successive motion under 28 U.S.C. § 2255 is denied. The claim Petitioner seeks to present is based on Blakely v. Washington, 124 S. Ct. 2531 (2004), and United States v. Booker, 125 S. Ct. 738 (2005). Neither Booker nor Blakely have been "made retroactive to cases on collateral review" by the Supreme Court. See In re Olopade, 403 F.3d 159 (3d Cir. 2005); Lloyd v. United States, 407 F.3d 608 (3d Cir.

By the Court,

/s/ Thomas L. Ambro, Circuit Judge



A True Copy

Marcia M. Waldron

Marcia M. Waldron, Clerk
Dated: August 19, 2005

SLC/cc: Ms. Aleta Estell Taylor
William A. Behe, Esq.

FILED
HARRISBURG, PA

AUG 22 2005

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

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